

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-40 are currently pending. Claims 1, 3, 5, 7, 9, 11, 13, and 15, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2004/0117831 to Ellis, et al. in view of U.S. Patent No. 6,868,225 to Brown, et al. and further in view of U.S. Patent No. 6,611,654 to Shteyn and further in view of U.S. Patent No. 6,526,129 to Beaton, et al.

Claim 1 recites, *inter alia*:

"...wherein, when the personal remote terminal device is unable to communicate with the program guide information providing device, the personal remote terminal device communicates with a second personal remote terminal device which is able to communicate with the program guide information providing device"

and relay the information between the program guide information providing device and the personal remote terminal device..."
(emphasis added)

Generally the above identified features of claim 1 are directed to communication between one of a plurality of communication terminals and a user's cellular telephone based on a cell area.

However, when a user's cellular phone is unable to communicate with the program guide information providing device, the cell phone communicates with a second cell phone which is able to communicate with the program guide information providing device. The second cellular phone relays the information between the program guide information providing device and the user's cellular phone.

As understood by Applicants, U.S. Publication No. 2004/0117831 to Ellis, et al. (hereinafter, merely "Ellis") relates to an interactive program guide with remote access provided. A remote access device connects to the interactive program guide and can communicate with the guide.

Ellis is directed to multiple user devices in a single household. The remote access is in communication with home. Ellis does not provide any functionality related to a user being able to communicate with any number of terminal devices depending on where the user is located.

As understood by Applicants, Brown relates to a multimedia bookmarking system that allows a user to bookmark a program where they left off.

Shteyn is directed to using a cellular telephone to communicate with other communication devices as a function of a cell area.

Beaton discloses storing preference information as a function of a cellular telephone number.

However, Applicants submit that nothing has been found in Ellis, Brown, Shteyn, or Beaton, taken alone or in combination, that would teach or suggest the above-identified features of claim 1.

Specifically, Applicants submit that Ellis, Brown, Shteyn, and Beaton fail to teach or suggest that when the personal remote terminal device is unable to communicate with the program guide information providing device, the personal remote terminal device communicates with a second personal remote terminate device with is able to communicate with the program guide information providing device and relay the information between the program guide information providing device and the personal remote terminal device, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 3, 5, 7, 9, 11, 13, and 15 are also patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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